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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,578	12/20/2001	Jason F. Hunzinger	09752-145001	4955

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EXAMINER
YANG, LINA

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _18 November 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-35_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _20-23_ is/are allowed.

6)☒ Claim(s) _1,3-19,24,26-30 and 32-35_ is/are rejected.

7)☒ Claim(s) _2,25 and 31_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _20 December 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Applicant's Amendment filed on November 18, 2005 in response to the

Examiner's Office Action has been reviewed. Claims 1, 3-8, 10, 11, 15-17, 24, 26-30

and 32-35 have been amended.

2.   Claims 1-35 are presented for examination.

Response to Arguments

3.   Applicant's arguments filed 11/18/2005 have been fully considered but they are

not persuasive. The following are the responses to the applicant's arguments.

Regarding claims 1, 6, 24, 29-30 and 35, the applicant argues that Onoe does

not state that the broadcast information is received in the non-active state (page 11). On

the contrary, Onoe clearly states that the mobile station operates in the waiting state or

non-active state (col. 4 lines 48-49).

Regarding claims 7 and 11, the applicant argues that Tiedemann, Jr does not

teach receiving data to obtain location information as amended. Tiedemann, Jr teaches

monitoring data to obtain location information. In order to monitoring the data, the data

has to be received first. Therefore, monitoring data inherently includes receiving data.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 1, 6, 24, 29 - 30 and 35 are rejected under 35 U.S.C. 102(b) as being

anticipated by Onoe et al. (U.S. Patent No. 5,361,396).

Regarding claims 1 and 24, Onoe teaches a method of enhanced common

channel monitoring in a wireless communication system comprising: receiving data

from common channels during an idle state ("waiting state" or "non-active state") to

obtain location information linked to infrastructure element identification (fig. 6B

element 40a; col. 4 lines 51-52); storing said location information in a database (fig. 6B

element 40c; col. 5 lines 18-19); and accessing said database to determine location

information related to non serving base stations (the non serving base stations are in the different group; col. 4 lines 51-52 and 65-68; col. 5 lines 1-19).

Regarding claims 6, 29 and 35, Onoe further teaches receiving data from new common channels only during the idle state (col. 4 lines 51-52).

Regarding claim 30, Onoe teaches a mobile station for obtaining location information in a network, the network containing a serving base station and one or more non-serving base stations which transmit common channels containing location information linked to an infrastructure element identification, the mobile station comprising: a database (fig. 6B element 40c); and a mobile station processor (fig. 6A, element 40; col. 7 lines 13-17) programmed for receiving data from the common channels during an idle state ("waiting state" or "non-active state") to obtain the location information linked to an infrastructure element identification, and storing the location information linked to an infrastructure element identification in the database and accessing the database to determine location information related to one of the one or more non-serving base stations (the non serving base stations are in the different group; col. 4 lines 51-52 and 65-68; col. 5 lines 1-19).

2.   Claims 7 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Tiedemann, Jr. (U.S. Patent Application No. 20020142776 A1).

Regarding claim 7, Tiedemann teaches a method for monitoring and collecting

location-related information and identification information from a wireless network

comprising: receiving data from a common channel transmitted from a serving sector

during an assigned time slot to obtain location information linked to infrastructure

element identification ([0027]); and receiving data from one or more common channels

transmitted by one or more non-serving sectors while not in the assigned time slot to

obtain location information linked to infrastructure element identification ([0027]).

Regarding claim 11 Tiedemann further teaches receiving data from the common

channels after the assigned time slot ([0027]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 4, 10, 27 and 33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Onoe et al. (U.S. Patent No. 5,361,396) in view of Rick et al. (U.S.

Patent Application No. 20030174760 A1).

Regarding claims 4, 10, 27 and 33, Onoe does not specifically teach receiving

data from the common channels for a pre-determined period of time prior to an assigned

slot. However, Rick teaches receiving data from the common channels for a pre-

determined period of time prior to an assigned slot ([0038]). Therefore, it would have

been obvious for one of ordinary skill in the art at the time when the invention was made

to include receiving data from the common channels for a pre-determined period of time

prior to an assigned slot as taught by Rick in the assembly of Onoe in order to perform

alternate base station searching.

4.   Claims 4, 10, 27 and 33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Onoe et al. (U.S. Patent No. 5,361,396) in view of Bayley (U.S.

Patent No. 6,10 1,173).

Regarding claims 4, 10, 27 and 33, Onoe does not specifically teach receiving

data from the common channels for a pre-determined period of time prior to an

assigned slot. However, Bayley teaches receiving data from the common channels for a

pre-determined period of time prior to an assigned slot (col. 2 lines 3-9). Therefore, it

would have been obvious for one of ordinary skill in the art at the time when the

invention was made to include receiving data from the common channels for a pre-

determined period of time prior to an assigned slot as taught by Bayley in the assembly

of Onoe in order to perform alternate base station searching.

5.   Claims 3, 5, 26, 28, 32 and 34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Onoe et al. (U.S. Patent No. 5,361,396) in view of Tiedemann, Jr.

(U.S. Patent Application No. 20020142776 A1).

        Regarding claims 3, 26 and 32, Onoe does not specifically teach receiving data

from a common channel from a serving base station during an active state. However,

Tiedemann teaches monitoring a common channel from a serving base station during

an active state ([0023]). Therefore, it would have been obvious for one of ordinary skill

in the art at the time when the invention was made to include receiving data from a

common channel from a serving base station during an active state as taught by

Tiedemann in the assembly of Onoe in order to receive further messages such as new

overhead information.

        Regarding claims 5, 28 and 34, Onoe does not specifically teach receiving data

from the common channels after an assigned slot. However, Tiedemann teaches

receiving data from the common channels after an assigned slot ([0027]). Therefore, it

would have been obvious for one of ordinary skill in the art at the time when the

invention was made to include receiving data from the common channels after an

assigned slot as taught by Tiedemann in the assembly of Onoe in order to continuously

perform alternate base station searching.

6.   Claims 8 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Tiedemann, Jr. (U.S. Patent Application No. 20020142776 A1) in view of Lopes et

al. (U.S. Patent No. 6,256,494 B1).

Regarding claim 8, Tiedemann does not specifically teach ignoring

communication failures when receiving an unreliable channel while receiving data from

the one or more common channels transmitted by non-serving sectors. However, Lopes

teaches ignoring communication failures when receiving an unreliable channel while

receiving data from the one or more common channels transmitted by non-serving

sectors (col. 4 lines 1-13). Therefore, it would have been obvious for one of ordinary

skill in the art at the time when the invention was made to include ignoring

communication failures when receiving an unreliable channel while receiving data from

the one or more common channels transmitted by non-serving sectors as taught by

Lopes in the assembly of Tiedemann in order to determine the position from the time of

arrival of the signal.

Regarding claim 12, Tiedemann does not specifically teach storing location

information contained in the common channels in a database. However, Lopes teaches

storing location information contained in the common channels in a database (col. 4

lines 1-8 and line 18-19). Therefore, it would have been obvious for one of ordinary skill

in the art at the time when the invention was made to include storing location

information contained in the common channels in a database as taught by Lopes in the
assembly of Tiedemann in order to processing the data.

Regarding claim 13, Tiedemann does not specifically teach accessing the
database to determine location information of the non-serving sectors. However, Lopes
teaches accessing the database to determine location information of the non-serving
sectors (col. 4 lines 1-8 and line 18-19). Therefore, it would have been obvious for one
of ordinary skill in the art at the time when the invention was made to include accessing
the database to determine location information of the non-serving sectors as taught by
Lopes in the assembly of Tiedemann in order to processing the data.

7.   Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Tiedemann, Jr. (U.S. Patent Application No. 20020142776 A1) in view of applicant's
own admission of standards.

Regarding claim 15, Tiedemann teaches a method of monitoring overheads from
non-serving sectors comprising: receiving data from a common channel during an idle
state to obtain location information; and entering a standby mode until a next assigned
slot.

Tiedemann differs from the claimed invention in that Tiedemann does not
specifically teach suspending or disabling the fade timer for non-serving sector
channels. However, it's the applicant's own admission that in 2nd and 3rd generation

CDMA or 1xEV-D0 or derivative standards, the mobile station may suspend or disable

the forward fade timer for secondary base stations that it can barely receive a signal

from (page 14, lines 11- 17). Therefore, it would have been obvious for one of ordinary

skill in the art at the time when the invention was made to include suspending or

disabling the fade timer for non-serving sector channels in the assembly of Tiedemann

in order to get the position information.

Regarding claim 16, Tiedemann further teaches that receiving data from the

common channels for a pre-determined period of time prior to the assigned slot

([0027]).

Regarding claim 17, Tiedemann further receiving data from the common

channels after the assigned slot ([0027]).

8.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Tiedemann, Jr. (U.S. Patent Application No. 20020142776 A1) in view of Lopes et al.

(U.S. Patent No. 6,256,494 B1) as applied to claim 8 above, and further in view of

applicant's own admission.

Regarding claim 9, Tiedemann and Lopes have been stated above in 103(a)

rejection for claim 8. The modified assembly of Tiedemann and Lopes differs form the

claimed invention in that it does not specifically disclose disabling a forward fade timer

to ignore communication failures. However, it's the applicant's own admission that in 2nd and 3rd generation CDMA or 1xEV-D0 or derivative standards, the mobile station may suspend or disable the forward fade timer for secondary base stations that it can barely receive a signal from (page 14, lines 11- 17). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include disabling a forward fade timer to ignore communication failures in the modified assembly of Tiedemann and Lopes in order to get the position information.

9.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr. (U.S. Patent Application No. 20020142776 A1) in view of Lopes et al. (U.S. Patent No. 6,256,494 B1) as applied to claim 12 above, and further in view of Rick et al. (U.S. Patent Application No. 20030174760 A1).

        Regarding claims 14, Tiedemann and Lopes have been stated above in 103(a) rejection for claim 12. The modified assembly of Tiedemann and Lopes differs form the claimed invention in that it does not specifically disclose accessing the database during the assigned time slot to determine location information related to the serving sector. However, Rick teaches accessing the database during the assigned time slot to determine location information related to the serving sector ([0025]). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include accessing the database during the assigned time slot to determine

location information related to the serving sector as taught by Rick in the modified

assembly of Tiedemann and Lopes in order to search for alternate base stations.

10.   Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tiedemann, Jr. (U.S. Patent Application No. 20020142776 A1) in view of applicant's

own admission as applied to claim 17 above, and further in view of Lopes et al. (U.S.

Patent No. 6,256,494 B1).

Regarding claim 18, the modified assembly of Tiedemann differs form the

claimed invention in that it does not specifically disclose storing location information

contained in the common channels in a database. However, Lopes teaches storing

location information contained in the common channels in a database (col. 4 lines 1-8

and line 18-19). Therefore, it would have been obvious for one of ordinary skill in the

art at the time when the invention was made to include storing location information

contained in the common channels in a database as taught by Lopes in the modified

assembly of Tiedemann in order to processing the data.

Regarding claim 19, the modified assembly of Tiedemann differs form the

claimed invention in that it does not specifically teach accessing the database to

determine location information of the non-serving sectors. However, Lopes teaches

accessing the database to determine location information of the non-serving sectors

(col. 4 lines 1-8 and line 18-19). Therefore, it would have been obvious for one of

ordinary skill in the art at the time when the invention was made to include accessing

the database to determine location information of the non-serving sectors as taught by

Lopes in the modified assembly of Tiedemann in order to processing the data.

Allowable Subject Matter

11.   Claims 2, 25 and 31 are objected.

Claims 2, 25 and 31 are objected to as being dependent upon a rejected base

claims (1, 24 and 30), but would be allowable if rewritten in independent form including

all of the limitations of the base claim and any intervening claims.

12.   Claims 20-23 are allowable.

The following is a statement of reasons for the indication of allowable subject

matter:

Claims 20-23 are allowable since prior art of record, in addition to other

limitations recited in claims 20-23, dose not teach or suggest a method of monitoring

overhead information from non-serving sectors comprising: waking up a designated

period of time earlier than an assigned slot to monitor a common channel transmitted by

a non-serving sector to obtain location information; and monitoring additional common

channels transmitted by other non-serving sectors as time permits before the next

assigned slot.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

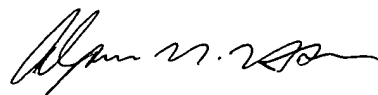than SIX MONTHS from the date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lina Yang whose telephone number is (571)272-3151.

The examiner can normally be reached Monday through Wednesday between 8:00 a.m.

and 7:00 p.m. eastern standard time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the

organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

LY

ALPUS H. HSU
PRIMARY EXAMINER